

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSEPH MITCHELL,

Plaintiff,

-against-

CITY OF NEW YORK, RICKY ALEXANDER,
and LEE MALDONADO,

Defendants.

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JUDGMENT
15-CV- 7021 (MKB)

Defendants having offered Plaintiff Joseph Mitchell to take a judgment against the City of New York in this action for the total sum of Fifteen Thousand Five Hundred and One (\$15,001.00) Dollars, plus reasonable attorneys' fees, expenses, and costs to the date of this offer for Plaintiff's federal claims and Plaintiff Joseph Mitchell having accepted said offer; it is

ORDERED and ADJUDGED that judgment is hereby entered pursuant to Rule 68 of the Federal Rules of Civil Procedure in favor of Plaintiff Joseph Mitchell and against the City of New York in the sum of Fifteen Thousand Five Hundred and One (\$15,501.00) Dollars, plus reasonable attorneys' fees, expenses, and costs.

In accordance with the offer of judgment, this judgment shall be in full satisfaction of all federal and state law claims or rights that Plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of Defendants or any official, employee, or agent, either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action; this judgment is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure and it not to

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be construed as an admission of liability by Defendants or any official, employee, or agents of the City of New York, or any agency thereof. Nor is it an admission that Plaintiff has suffered any damages; this offer of judgment will act to release and discharge Defendants; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by Plaintiff arising out of the facts and circumstances that are the subject of this action; Plaintiff Joseph Mitchell waives rights to any claim for interest on the amount of the judgment and agrees that payment of Fifteen Thousand Five Hundred and One (\$15,501.00) Dollars within ninety (90) days of the date of acceptance of the offer shall be a reasonable time for such payment, unless Plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part; If Plaintiff Joseph Mitchell is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date that Plaintiff submits to counsel for Defendants a final demand letter from Medicare; Plaintiff Joseph Mitchell agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has made as secondary payer, and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26 and Plaintiff Joseph Mitchell further agrees to hold harmless Defendants and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, regarding any past and/or future

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Medicare payments, presently know or unknown, made in connection with this matter.

Dated: Brooklyn, New York
October 21, 2016

Douglas C. Palmer
Clerk of Court

by: /s/ Janet Hamilton
Deputy Clerk